

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICARDO BARRAZA,

Defendant.

8:04-CR-447

**ORDER DENYING MOTION TO
RECONSIDER**

On April 26, 2024, the Court issued an order denying Defendant Ricardo Barraza's *pro se* Motion to Reduce Sentence and granting his court-appointed counsel leave to withdraw. [Filing 276](#). On May 6, 2024, Barraza submitted a *pro se* filing captioned, "Objection/Reconsideration on Withdrawing Counsel and Denying Motion." [Filing 277](#). In this submission, Barraza contends that he does not have any criminal history points and that this Court's prior Order denying his Motion for a Sentence Reduction was therefore incorrect. [Filing 277 at 1](#). Barraza claims to support his position with an uncertified and unauthenticated print-out titled, "MALE CUSTODY CLASSIFICATION FORM" dated November 30, 2023. [Filing 277 at 3](#). The hyperlink at the bottom of this document suggests that it was generated by the Bureau of Prisons. [Filing 277 at 3](#).

While this document states that Barraza has zero criminal history points, his Revised Presentence Investigation Report does not. Compare [Filing 277 at 3](#) with [Filing 250 at 11](#). According to the Revised Presentence Investigation Report, Barraza was assessed one criminal history point based upon his state court conviction for Assault by Mutual Consent. [Filing 250 at 11](#). The United States Probation Office confirmed this as well when it completed its "2023 Amendment 821 Retroactive Sentencing Worksheet" on April 25, 2024. [Filing 275](#). Barraza's Motion for Reconsideration therefore lacks merit because U.S.S.G. § 4C1.1 is premised upon what is reflected in the Presentence Investigation Report—not upon information contained in some other

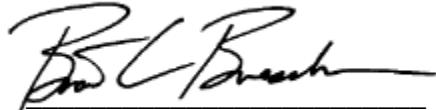
system of records that may fail to accurately reflect what is in the Presentence Investigation Report.

The Court's original Order, [Filing 276](#), remains in effect. Accordingly,

IT IS ORDERED: Ricardo Barraza's *pro se* Motion to Reconsider, [Filing 277](#), and all relief requested therein is denied.

Dated this 7th day of May, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge